



Design Review Board
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DRAFT Legal Action Report (LAR) DESIGN REVIEW BOARD

Pursuant to A.R.S. § 38-431.02, notice is hereby given to the members of the Design Review Board (DRB) and to the general public that the Board held the following meeting which was be open to the public on:

Date and Time: Friday, October 19, 2018 - 7:30 a.m.
Location: Public Works Building, 3rd Floor North Conference Room
201 North Stone Avenue, Tucson, Arizona

1. Call to Order/Roll Call – 7:35 am

Mike Anglin (Chair)	Present
David Marhefka (Vice Chair)	Present
Savannah McDonald	Present
Nathan Kappler	Present

2. Legal Action Report for August 31, 2018 DRB meeting.

DRB members reviewed the Legal Action Report from the previous DRB meeting of August 31, 2018, and Vice Chair Marhefka entered a motion to approve it. Motion was passed unanimously.

3. Call to the Audience – 7:36 am

4. DRB-18-10 - The Slaughterhouse, 1102 West Grant Road, I-1 (T18SA00411).

The site is approximately 3.89 acres, at the northeastern corner of Grant Road and Flowing Wells Road, used for entertainment in a I-1 Industrial zone. Applicants are proposing to add a parking lot and install shipping containers on site to serve as an interior screen wall.

The Applicant's Request

At this meeting the applicant requested variances to: 1) Reduce the street landscape border width along Grant Road from 10 to 5 feet and to provide it entirely within the right-of-way; 2) Modify and delete required vegetative ground coverage of the street landscape, and 3) Modify the screening requirement and location, all as shown on the submitted plans.

The Tucson *Unified Development Code (UDC)* sections applicable to this project include, but are not limited to, Section 4.7.29 and Table 4.8-7 which provides the criteria for commercial development in the I-1 zone, and Section 7.6 which provides the landscape and screening standards for the development.

In accordance with Section 7.6.9.D, the DRB reviews, for recommendation to the Board of Adjustment, all requests for variances from Section 7.6, *Landscaping and Screening Standards*, in accordance with Sections 3.10.1 and 3.10.3, *Board of Adjustment Variance Procedure*. The DRB recommendation shall apply the same findings required in Section 3.10.3 .J, *Findings for Approval*, for granting a variance. In addition, the DRB may make any recommendation that would assist in mitigating any negative impacts which might occur should the request be granted.

Applicant presented proposed development plan drawings and photographs, indicating the business is planning on providing entertainment activities throughout the year, not just during the Halloween season. Applicant expressed the owner's desire to preserve the existing perimeter wall with historic mural, since it provides better screening, and is not within sight-visibility triangles, but does not desire to be mandated to maintain it, due to high maintenance costs as a result of graffiti. Owner has contacted The University of Arizona and Infinity to go through the \$100,000 restoration process. Applicant also indicated the Department of Transportation has expressed support for installing a 5-foot landscaping along Grant Road, in the right-of-way, in front of the wall.

The DRB discussed the possibility of providing decomposed granite (DG) and irrigation for new streetscape along Grant Road. Applicant indicated that DG can be installed from the wall to the curb/sidewalk along Grant Road to help improve the appearance of the area, and that irrigation will be provided to landscaping during the establishment period.

The DRB then focused discussion of the proposed streetscape in front of the eastern side of the perimeter wall and building, exploring ways to reduce the amount of paved surface and increase landscaping. Applicant explained that trash collection and emergency exits are located along the east side of the building, and the desire to maintain the existing parking for staff on the east side, with new stripping.

The DRB proceeded with the discussion of proposed streetscape along the north side of the property, expressing the need to improve the streetscape on this side of the property as well, including the installation of DG where possible. Applicant indicated that more landscaping could be installed on both sides of the northern gated entrance.

DRB member McDonald pointed out that Irrigation Plan does not match Landscaping Plan. Applicant replied the plans will be revised so they match.

Chair Anglin asked for clarification on the purpose of the stack of shipping containers on the west side of the property. Applicant explained that, after discussions with neighbors and the City's Special Events committee, the shipping containers will provide additional mitigation to noise impact on neighborhoods to the west. Staff member Laurie asked if there will be any color variations on the containers. Applicant pointed out containers are all painted with neutral colors.

Vice Chair Marhefka made a motion to approve the applicant's requests with the following conditions:

1. Along the Grant Road right of way, provide decorative gravel extending from the existing mural wall to the sidewalk/curb, to improve appearance of Grant Road;
2. Along the eastern facade of the building, between the mural wall and loading dock, provide plantings materials; and
3. Along the northern portion of the property, along Flowing Wells Road, where available between the perimeter wall and the right-of-way, provide at a minimum a three feet wide landscaping, with additional landscaping on both sides of the entrance gate. The landscaping shall contain similar plant materials as proposed the in the landscape plan.

Motion was seconded by DRB member Kappler. Motion passed unanimously.

5. DRB-18-11 – Stahlkoepff New Single-Family Residence, 115 South Silverbell Avenue, R-2 (associated variance request # C10-18-19).

This is an appeal to the Planning and Development Services Director's (PDSD) decision to approve Design Development Option (DDO) Case No. DDO-18-62, for the construction of a new two-story single-family dwelling with a reduced front street perimeter yard setback, as measured from the west property line.

The Applicants Request

The appellant, Naveen Sydney, owner of the adjacent property to the north, with address 1408 West Congress Street, requested a reversal of the Planning and Development Services Director's decision to approve DDO-18-62.

The DDO application was approved by the PDSD Director, finding the project in compliance with all required DDO General and Specific Findings of Tucson *Unified Development Code (UDC)* Section 3.11.1.D.1&2.

Applicant presented the following arguments on which the appeal is based on:

- Proposed dwelling will be blocking view sheds to Sentinel Peak, and it is understood that DDO design review process should consider views;
- Existing electric lines running through the proposed new residence's property could be buried underground;
- New house design does not meet the general character of the Menlo Park neighborhood, in which 63% of buildings are designated as contributing;
- New development should be encouraged, but the new house could set a negative precedence if no attention is given to design;
- New residence will be a rental;
- There could be other possible designs available to develop the property in question;
- Tried to purchase property in question, but was offered to a higher bidder.

Staff clarified that the DDO request is to modify required setback, that a two-story house could still be built on site, and no agreement was achieved with appellant and subject property owner during a meeting on site.

After discussion, Chair Anglin indicated property owners can build on a vacant lot without being a contributing property to the National Register, and that proposed materials could still be used. DRB member Kappler pointed out electric lines are a physical circumstance. Chair Anglin responded that electric lines are a physical circumstance, but they are not limiting development of the site. DRB members then focused on proposed setback, indicating that setback does not worsen views to Sentinel Peak, and does not affect the privacy of appellant. However, DRB members established the DDO is not meeting the criteria specified in Unified Development Code Section 3.11.1.D.1.F.

DRB member McDonald made a motion to recommend to the Board of Adjustment the reversal of the Planning and Development Services Director's Decision to approve Design Development Option Case No. DDO-18-62, finding the project can be developed without a DDO request, and is not in compliance with the criteria established in UDC Section 3.11.1.D.1.F which reads: "The modification applies to property that cannot be developed in conformity with the provisions of this chapter due to physical circumstances or conditions of the property, such as irregular shape, narrowness of lot, exceptional topographical conditions, or location." Motion was seconded by Vice Chair Marhefka. Motion passed unanimously.

6. Meeting adjourned.